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File #: 167272

May 17, 2017

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
P.O. Box 3265
Harrisburg, PA 17105-3265

**Re: National Railroad Passenger Corporation v. PPL Electric Utilities Corporation
Docket No. C-2016-2580526**

**PPL Electric Utilities Corporation Supplement No. 213 to Tariff - Electric Pa.
P.U.C. No. 201 - Docket No. R-2016-2569975**

Dear Secretary Chiavetta:

PPL Electric Utilities Corporation (“PPL Electric”) hereby submits this letter to advise the Pennsylvania Public Utility Commission (“Commission”) and Administrative Law Judge David A. Salapa (“ALJ”) that: (i) PPL Electric will be filing a timely Answer to Motion to Dismiss submitted by National Railroad Passenger Corporation (“Amtrak”) on May 11, 2017, and (ii) that PPL Electric strongly opposes Amtrak’s request in its Motion to Dismiss that the procedural schedule in the above-captioned matter be suspended.

Amtrak filed its Motion to Dismiss on May 11, 2017. Pursuant to 52 Pa. Code § 5.103(c), PPL Electric has twenty days to file its Answer to Amtrak’s Motion, *i.e.*, on or before Wednesday, May 31, 2017. PPL Electric hereby notifies the Commission and the ALJ that it intends to timely submit an Answer in opposition to Amtrak’s Motion to Dismiss. Therefore, PPL Electric respectfully requests that any ruling on the Motion to Dismiss be held in abeyance until PPL Electric’s Answer has been filed in accordance with 52 Pa. Code § 5.103(c).

In its Motion to Dismiss, Amtrak also requests that the procedural schedule in the above-captioned matter be immediately suspended. This is Amtrak’s second request that the above-captioned proceeding be suspended indefinitely. For the reasons to be explained in its

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forthcoming Answer, PPL Electric strongly opposes Amtrak's request that the procedural schedule be suspended.

Amtrak asserts that the procedural schedule in this PUC proceeding should be suspended because Amtrak has filed a proceeding with the federal court seeking to condemn the Conestoga Substation. The fundamental flaw with Amtrak's request is that it assumes its request to condemn the Conestoga Substation will be approved by the federal court. The outcome of the federal condemnation proceeding is entirely unknown and speculative at this time. PPL Electric has filed an answer and is actively opposing Amtrak's proposed condemnation of the Conestoga Substation. The resolution of Amtrak's request to condemn the Conestoga Substation could result in protracted litigation that could lead to a significant delay in the final resolution of the authority, scope, and limits of Amtrak ability to condemn public utility facilities. Despite Amtrak's assumption to the contrary, it is entirely unknown if and when Amtrak's request to condemn the Conestoga Substation will be approved.

The parties previously agreed to a modified procedural schedule and, based on that agreement, PPL Electric voluntarily suspended Supplement No. 213 until January 1, 2018.¹ If the procedural schedule is suspended as requested by Amtrak, or even slightly delayed, there will not be enough time for the parties to fully litigate Supplement No. 213, or for the Commission to reach a final decision by the January 1, 2018 effective date of Supplement No. 213. As explained above, PPL Electric is actively opposing Amtrak's attempt to condemn its public utility facilities, and it is entirely uncertain and speculative if and when the federal courts may approve Amtrak's condemnation request. Absent agreement by the parties, such speculative and uncertain events do not support Amtrak's request that the procedural schedule be immediately suspended, particularly where such a request would jeopardize the Commission's ability to reach a final decision on the merits by the January 1, 2018 effective date.

Finally, Amtrak has failed to set forth any reasonable basis why the procedural schedule should be immediately suspended before PPL Electric and the other parties have the opportunity to submit an Answer to Amtrak's request. To rule on Amtrak's clearly opposed request to suspend the procedural schedule without given the other parties the opportunity to respond would clearly be a deprivation of due process. At a minimum, PPL Electric and the other parties should be permitted to respond as provided in 52 Pa. Code § 5.103(c) before the Commission or ALJ take any action on Amtrak's request to suspend the procedural schedule.

PPL Electric will be submitting a timely answer in opposition to Amtrak's Motion to Dismiss, and its request to suspend the procedural schedule. PPL Electric respectfully requests that any ruling on the Motion to Dismiss be held in abeyance until PPL Electric's Answer has been filed in accordance with 52 Pa. Code § 5.103(c).

¹ PPL Electric filed Supplement No. 213 on October 5, 2016, to become effective January 1, 2017. By order issued January 19, 2017, the Commission suspended Supplement No. 213 until October 1, 2017, *i.e.*, a total of nine months from the effective date. Pursuant to 66 Pa.C.S. 1308(b), the Commission's authority to suspend a tariff in non-general rate proceedings is limited to a maximum of nine months from the time such rate would otherwise become effective.

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Copies of this correspondence are being served as indicated on the attached certificate of service.

Respectfully submitted,



Christopher T. Wright

CTW/jl
Enclosure

cc: Honorable David A. Salapa
Certificate of Service

CERTIFICATE OF SERVICE

(Docket Nos. C-2016-2580526 & R-2016-2569975)

I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

VIA FIRST CLASS MAIL and/or E-MAIL


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Date: May 17, 2017



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